

**CHARTER TOWNSHIP OF ORION PLANNING COMMISSION MINUTES
PC-2013-07, ORION COMMONS PLANNED UNIT DEVELOPMENT (PUD)
CONCEPT PLAN, JOINT PUBLIC HEARING WITH THE TOWNSHIP
BOARD OF TRUSTEES, WEDNESDAY, MAY 1, 2013**

The Charter Township of Orion Planning Commission held a joint public hearing with the Township Board of Trustees on Wednesday, May 1, 2013 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Carol Thurber, Chairwoman	Justin Dunaskiss, Vice-Chairman
Dick Christie, Secretary	John Steimel, BOT Rep. to PC
Don Walker, PC Rep. to ZBA	Joe St. Henry, Commissioner
Karyn Pennington, Commissioner	

BOARD OF TRUSTEES MEMBERS PRESENT:

Chris Barnett, Township Supervisor	Penny Shults, Township Clerk
Mark Thurber, Township Treasurer	Mike Flood, Trustee
John Steimel, Trustee	Neal Porter, Trustee
Donni Steele, Trustee	

CONSULTANTS PRESENT:

R. Donald Wortman (Township Planner) of Carlisle/Wortman Associates, Inc.
James Stevens, (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Planning/Zoning Coordinator

OTHERS PRESENT:

John Accomando	Cathy Stieber	Catherine Stieber
Carl Stieber	JoAnn Van Tassel	Daniel Wodmer
Bryan Mutchler	Aldi Veits	Frank Ivlianelli
Janice Meldrum	Brian Cooper	Diana Kerwin
Cynthia Anglea	Janet Lane	Don Gross
Tim Brodoski	Michael Traftone	Laurie Traftone
Ed Weglarz	Kevin Royce	Raj Jain
Carrie Hilgendorf	Dan Cloud	David Walters
Jim Butler	Jason Horton	Bob Halso
Phoebe Schutz		

Chairwoman Thurber opened the PC-2013-07, Orion Commons Planned Unit Development (PUD) joint public hearing with the Board of Trustees at 7:05 p.m. The subject site is located on the southwest corner of Scripps and Lapeer Roads, which is 86 acres, Sidwell #09-23-100-001.

Mr. David Walters, of Lormax Stern Development Company, LLC, 6755 Daly Road, West Bloomfield, Michigan 48322, noted that he was there on behalf of the petitioner. Also, that he is an Orion Township resident at 998 Seneca. He then introduced their team on this project: Mr. Jim Butler, of Professional Engineering Associates, 2430 Rochester Court, Suite 100, Troy, Michigan 48083; Mr. Jason Horton, also of Lormax Stern Development Company, LLC; and, Mr. Bob Halso, of Pulte Homes (no business address was provided), their residential partner on the project. They have met with, beginning about six months ago, Township officials as well as residents and homeowners associations that are adjacent to the property. This is a joint venture with Kirco (office

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development business) and Lormax Stern (retail development business). They have owned the Baldwin Commons shopping center since 1999 here in the Township on Baldwin Road, so they've been an investor in this community for more than a decade. The history on this subject site is that originally this property was acquired by Mr. Mike Weger in a swap with, then, the Michigan Department of Natural Resources in about 2004 or 2005. In 2006, Regency Development presented to the Planning Commission and subsequently, the Board of Trustees, a proposal to rezone the property to the most intensive commercial possible, which was General Business-2 (GB-2). It also included assembling the land to the south. There were two parcels owned by other owners at that time and still today. This 86 acres was the bulk of the development that was proposed and it included a Target, a Kohl's, and other medium-box uses. The rezoning proposal was denied and the reason for that, as recorded in the minutes of the August 2, 2006 Planning Commission meeting was that the GB-2 was not in keeping, other than the Home Depot, which had been rezoned in the past, it was not in keeping with the other uses, which were primarily residential, office, and lower-intensive commercial, primarily GB-1. The Planning Commission had recommended denial of that due to four reasons: 1)the increased traffic; 2)the preservation of wetlands; 3)the preservation of woodlands; and, 4)the need for additional sanitary improvements and a buffer along the eastern boundary of Bald Mountain State Park. They have owned this site for about a year. About 85% of the site will be used for residential. A concern that was expressed in 2006 was the buffering of the Bald Mountain State Park with residential and they've done that. He then gave a Power Point presentation of the plans for the site, showing the sections of the proposed mixed-use project with: 1)retail area fronting on Lapeer Road; 2)office and professional area fronting on Lapeer Road; 3)area for 100 single-family residences entering from Scripps Road; and, 4)area for 92 attached duplex ranch style units entering from Scripps Road. The commercial narrow strip along Lapeer Road is consistent with the other commercial that is along Lapeer Road to the east and north of the site. In addition to a 30-foot buffer that is required, they have 220 feet, which limits the small strip-type malls and would be neighborhood retail. Then the office and professional area is consistent with the two parcels that are south of the site, which are also zoned OP-1. The duplex units will be for sale for empty-nesters. The western border with the park land will be single-family residential homes. In looking at the center of the proposed site, the entrance is approximately where the most intensive vegetation and wetlands exist on the site. The only regulated wetlands on the site are about a third of an acre and they are part of what is effectively a drainage system running west off of Lapeer Road and then southwest and emptying out down into the two parcels and ultimately into the Home Depot drainage system. That is according to their wetland consultants, Brooks Williamson, the most sensitive part of this property. The only significant vegetation in terms of any trees of any caliper and any interesting structure is in that area and they have decided not to touch that area at all. It will all be green space. There will be no improvements made to it other than any improvements that are required for drainage, both on their side and for downstream, but they would be improvements that wouldn't be detracting from the wetlands and they certainly wouldn't impose upon them. The second issue, the classic planning theory here, which is going from your highest density along Lapeer Road to the lower density, which is single-family being buffered by the multi-family and the single-family buffering the park. As far as

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sanitary, they are proposing at their expense to build a lift station as shown on the site plan just to the west of the GB area. The real issue, which is the one that they've thought the most about and the public has spoken most about, is traffic. Next, how this PUD meets the eligibility criteria. Once a parcel is rezoned, the developer can do whatever is allowed under that zoning district. With a PUD, the developer has to solicit the input and effectively write a contract with the Township to maybe raise the standards or address the concerns of the public. He noted that Mr. Halso would like to start building homes as soon as possible. They have nothing in mind yet for the commercial and office and professional areas, other than they want to limit them to neighborhood type community uses. These plans are typical of what you would see north and east of the site along Lapeer Road. Every time we have a use within that General Business area, we're going to be obligated to come back to this body and ask for your recommendation for that use within the confines of the contract that we've already assigned, which is the PUD Agreement. Lapeer Road is the purview of the Michigan Department of Transportation (MDOT). Their traffic study shows that the impact from the residential and the business, even when it's completely built out is minimal, about 50 trips an hour. Scripps Road is an issue for anybody that uses Scripps Road, particularly at peak periods, especially during peak school hours. MDOT has done what they can to mitigate that to this point. In 2015, MDOT will begin doing a major resurfacing project, which will include addressing the safety issues of this intersection and others beginning north of Silverbell Road all the way to Clarkston Road. That's a \$28 million initiative and scheduled to begin in 2015 at about the time that they'll be well underway with this development. In spite of MDOT's attempt at the timing of the stoplights at Scripps and Lapeer Roads, it's still a major problem. He noted that they are proposing to build a third lane at their cost, which would be a dedicated right-turn lane that would allow traffic that's eastbound on Scripps Road to make one of three turns: an unimpeded right turn dedicated lane to head south on Lapeer Road; a through lane that would now no longer have the people that are trying to turn right on Lapeer Road in that lane because they're going to go through the school; and, a left-turn lane that will allow the few people who want to go north on Lapeer Road at peak hours to have a better opportunity to get through that light on a more efficient basis, so that was what they felt they could do that was in their control and that resulted from discussions with Township officials and neighboring residents. Their main entrance will be on Lapeer Road and if MDOT should require a stoplight in 2015, then it will be at the petitioner's cost. He also noted that it doesn't add to the traffic on Lapeer Road. The other recognizable community benefits are: 20% open space including all of the regulated wetlands and the primary areas of concern that are on the south end of the site and east near the entrance. The way they set it up with the cooperation of Pulte Homes is that they're only crossing that area one time. Scripps Road traffic, they are proposing to build a third lane and improve the intersection on the west side of Lapeer Road. They've addressed the sanitary sewer with a lift station. The drainage is insufficient for peak flows and they are willing to be part of the solution. This parcel is currently zoned Suburban Estates, which would allow for 41 homes, however, there is no other Suburban Estates zoning in the area.

Chairwoman Thurber offered time for public comments.

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Ms. JoAnn Van Tassel, of 2726 Saturn, commented that she looked at this plan this morning and noticed that there are five-foot sidewalks in the single-family residential portion, which is a great idea, but there should be five-foot sidewalks in the multiple-family residential portion as well. She is also concerned with the GB zoning that there is a depth of about 250 feet and GB districts are supposed to be able to accommodate larger parking areas, higher visibility, internal circulation controls, to accommodate higher traffic volume. She then noted that proposed use sounds like it would be more of a RB use and then read aloud the description of RB zoning district. The RB does not allow drive-thru's and the GB does. She believes this would be a great site for a pharmacy with a drive-thru or a bank with a drive-thru.

Ms. Cathy Stieber, of 116 W. Scripps Road, commented that she has collected 132 signatures of residents that are opposed to the proposed project (no petition was ever turned in to the Planning and Zoning Department). They would like the area to remain undeveloped. She would like the site to be rezoned back to a recreational zoning.

Mr. Don Gross, of 1974 Avon Glen Lane, commented that he is the president of the Canterbury Woods Homeowners Association. Their subdivision has 106 Pulte homes, which is north of the subject site. They met with Supervisor Barnett and the developers earlier in the year. They do have some issues that they would like addressed: 1)traffic; 2)improvements to the infrastructure; 3)land use details; and, 4)landscaping. They would like to see a minimum of the extension of the right-turn lane on Scripps Road to allow for increased traffic going southbound on Lapeer Road. They would like to see Scripps Road paved at least down to the western boundary of the subject site. With sufficient paving on Scripps Road, that would allow for speed limit signs to be posted. They are in favor of the RB-2 zoning. They would also like to view the measurements and elevations on the plans. They would like to see landscaping similar to what their subdivision used on the subject site.

Mr. Aldi Veits, of 2117 Marie Drive, in Round Tree Subdivision, commented that he is against the businesses and offices that are proposed to go in there since there are already many empty buildings and offices in our Township that could be utilized. He is also concerned about the students coming over from the schools and going to the donut shop if one is built there.

Mr. Bryan Mutchler, of 450 Amsbury Court, in Canterbury Woods Subdivision, commented that he just moved into Canterbury Woods from Round Tree. He is opposed to this project and doesn't believe that the economy is ready yet for this and that there are still many empty buildings and homes here in the Township. Also, that he is very concerned about the negative impact this would have on traffic.

Mr. Brian Cooper, of 496 Hampton Woods Lane, in Canterbury Woods Subdivision, commented that he has no major objections to this project. He is most concerned about the traffic.

Ms. Carrie Hilgendorf, of 406 Converse Court, inquired what the estimated time frame would be from the beginning to the end of the project. Also, what the

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difference would be in the amount of property taxes would be from what it is now and what it is proposed to be.

Mr. Mutchler again commented and inquired if the schools will be able to accommodate the additional children that this project will bring.

Ms. Janice Meldrum, 400 Hampton Woods, commented in opposition to this project and would like to see the property remain undeveloped. She is concerned that the area may not be able to support the businesses and does not want to see another empty strip mall in the area. She is also very concerned about the additional traffic in an already very dangerous area for traffic and pedestrians.

Mr. John Accomando, of 1270 Parkland Road, in Round Tree Subdivision, commented that he is opposed to this project and does not want to see a strip mall or have Scripps Road get paved, nor does he want to smell fast food or have bright lighting and extra noises in the neighborhood.

Trustee Flood thanked Supervisor Barnett for informing the public of what was being proposed for their neighborhoods early in the process. He also thanked the public for coming to the public hearing to voice their concerns.

Trustee Steele inquired whether the multiple-family area was going to be condominiums. She also inquired whether there are any future plans of paving Greenshield and Scripps Roads.

Trustee Porter wants to see the setbacks from the commercial to the residential increased to more than what is required. He assumes that the lift station would be paid for by the developer and maintained by the Township, but would like clarity on that. He also wants to see that access management is a part of the plans.

Treasurer Thurber thanked the residents that have come to voice their concerns tonight. Regarding the property tax amounts of vacant vs. developed property is not possible to know at this point since we don't know the price points yet. He'd like to see something more specific on the approaches, entrances, exits to the commercial property. Also, wants to see a continued maintenance commitment by the developer for the landscaping. He'd like to see verbiage on an enduring upkeep of the landscaping and maybe even into the median if possible for continued beautification of the surrounding area going forward into the future. He would also like to see the physical appearance plans and elevations that would be involved with the development as this plan is refined. It's quite clear from the public that the GB-1 zoning may not be the best for the design of the commercial property. Maybe RB-2 would be more in tune with the neighborhood theme.

Supervisor Barnett thanked the public for participating in the process tonight. He then gave a brief description of a planned unit development (PUD) and the process. MDOT will be reviewing this intersection. Also, residential development in Orion Township is booming and we have more activity than we have had in the last four or five years. The school district has noted that

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they would welcome new students. Access management is required by our ordinance as well as by MDOT, so that will happen. He would rather see this development with the open green space here than to have a few big-box stores.

Clerk Shults noted that she has a concern that if they're going to pave the road from M-24 west on Scripps Road to the end of this development, there will naturally be more of the residents in Canterbury going through to the most easterly entrance to come out so they can avoid that area.

Chairwoman Thurber asked the petitioner to address the comments by the public.

Mr. Walters noted that they are the largest privately-owned retail landowner in the state and one of the largest in the Midwest. As far as economic impact and how we're going to deal with this, you can look to their history in this Township of almost 15 years at Baldwin Commons that we've been both a good neighbor and a good owner. He is also a resident of Orion Township. He thanked the public for coming tonight to participate in the process. They will have either one or two curb-cuts onto M-24, whichever MDOT decides. This site is proposed to be rezoned to PUD. He noted that they will come back to the Township when the actual businesses have been determined.

Mr. Bob Halso, of Pulte Homes, commented that he has worked for Pulte Homes for 30 years and has been developing housing in Orion Township for over 20 years. If this process went perfectly, they might be able to break ground on Phase I in summer of 2014. Phase I will be some combination of the duplex product and the single-family product. Probably the loop road coming from Scripps Road down to Lapeer Road would be the boundary of Phase I. He then displayed big pictures of blueprints of the project. Exterior materials will include, for front elevations, masonry, brick, and stone with the sides to be brick on the first floor. The duplexes will be targeted for empty-nesters. The prices will be mid-\$300's. Various models of their product can be seen on their website.

Chairwoman Thurber noted that it was also requested that they include five-foot sidewalks in the multi-family area. Also, whether there is any intention of paving Scripps Road.

Mr. Halso noted that they intend to pave Scripps Road to their entry and will discuss this as part of the process.

Chairwoman Thurber noted that two of the items that were present in the landscaping discussion were that it was going to be similar to the quality that is in the Canterbury development for screening from Scripps Road. The other question was regarding the maintenance of that.

Mr. Halso noted that the maintenance will be part of the required documents of the homeowners association shared to the extent it needs to be with the commercial development.

Chairwoman Thurber noted the importance of their compliance with the ordinances regarding outdoor lighting as a member of the public had requested.

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Also, regarding the maintenance of the sanitary lift station, that will be done by the Township.

Commissioner Steimel noted that there was no public hearing when that site was rezoned from recreation to residential zoning and that's because it wasn't a rezoning. It was swapped with the State and then by our own ordinances when it went from public ownership to private ownership, it immediately converted to the lowest density residential that we have. However, we will evaluate this PUD not based on history of what somebody else had said they might develop it on. It will be evaluated on the fact that it is currently zoned Suburban Estates (SE). He noted that the zonings were shown on the plans to show about the density of what it's equivalent to. In reality, that should come off the plans. Those zoning designations should not be on the concept plan at all because it will actually be zoned PUD.

Mr. Butler noted, absolutely, you're correct.

Commissioner Steimel noted his opinion that he would prefer that it not have any commercial on the site, but he understands that it is a very attractive site for business there. He also noted that they have talked to the schools and they do have space for more students. He then inquired whether the petition that was talked about was ever submitted to the Township.

Chairwoman Thurber replied, no that was not given to us.

Supervisor Barnett commented that people should know that anything that would be proposed as potential commercial will have to come back before this body, which may be perhaps for a bank or nice restaurant rather than a strip mall.

Mr. Walters noted that if you look at the nice quality of the retail that they've done at Baldwin Commons, that is typical of what they do. They don't do small retail. They own about 6,000,000 square feet of retail around the country and everything they've done has been to the highest standard.

Chairwoman Thurber noted that the other item that is predominant is the traffic. A traffic study was performed and they will be discussing this during the review and the Township Planner and Township Engineer have also done formal reviews on the study that will be discussed by members.

Since there were no further comments, Chairwoman Thurber closed the PC-2013-07 public hearing at 8:37 p.m.

*attachment